

Title 141 - THE NEBRASKA EQUAL OPPORTUNITY COMMISSION
NEBRASKA CIVIL RIGHTS ACT OF 1969
PUBLIC ACCOMMODATIONS

Chapter 5 - SUBPOENAS; DEPOSITIONS; OATHS AND AFFIRMATIONS.

001 Subpoenas.

001.01 Upon written application served on the Chairman of the Commission, either personally or by registered or certified mail, the Chairman of the Commission shall issue a subpoena on a form prescribed by the Commission, at the instance of the Commission, or the Hearing Examiner conducting a public hearing, or at the instance of any party to the proceedings whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence in any investigation of an alleged discriminatory public accommodations practice or in any hearing before a Hearing Examiner. Blank copies of the subpoena form may be obtained at the office of the Commission.

001.02 Petition to Revoke Subpoena. Within five (5) days (excluding Saturdays, Sundays and official State holidays) after the service of a subpoena on any person, including the Chairman or any Commissioner, requiring the attendance of said person as a witness at an investigation or hearing, or requiring the production of any evidence in her or his possession or under her or his control, such person may petition the Commission in writing, personally or by registered or certified mail to revoke the subpoena. The Commission shall revoke such subpoena if, in its opinion, the attendance of the person subpoenaed or the evidence, the production of which is required, does not relate to any matter under investigation or to any matter in question in such proceedings before the Commission or a Hearing Examiner, or, if in its opinion, such subpoena does not describe with sufficient particularity the reasons requiring the attendance of a person as a witness, or the evidence, the production of which is required. If the Chairman, or any Commissioner has been served with a subpoena and petitions the Commission to revoke such subpoena, then the Chairman or Commissioner so served shall not participate in the decision of the Commission with respect to which such petition is to be presented.

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002 Witness and Mileage Fees. Where a subpoena is applied for and issues at the instance of a party to the proceedings other than the Commission, then the cost of service and witness and mileage fees shall be borne by the party at whose instance it has been requested and issued. Where a subpoena is applied for and issued at the instance of the Commission, in pursuance of an investigation or the presentation of evidence and witness and mileage fees shall be borne by the Commission. Such witness and mileage fees shall be the same as are paid witnesses in the District Courts of the State of Nebraska.

003 The testimony or deposition of any witness who resides outside the State of Nebraska, or who because of illness or any other reason is unable to testify in an investigation or in a hearing before a Hearing Examiner, may be taken within or without the State of Nebraska in the same manner as provided for in civil cases under the applicable law or laws of the State of Nebraska, as now in effect or hereafter amended. The transcript of any such testimony or deposition, when duly authenticated and filed with the Commission in any investigation or public hearing, shall constitute a part of the official record of the case.

004 Oaths and Affirmations. Any Commissioner conducting a public hearing may administer oaths or affirmations.